

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TIMOTHY WARREN ROSETTE,

Defendant.

CR-14-101-GF-BMM

CR-15-03-GF-BMM

CR-15-04-GF-BMM

ORDER

Defendant Timothy Warren Rosette has moved for early termination of his current term of supervised release. (Doc. 75.) The Government opposes the motion. (Doc. 76.) The Court conducted a hearing on the motion on September 26, 2018. For the reasons below, the Court will grant Rosette's motion, in part.

Rosette pleaded guilty to Count I (Accepting Bribes by a Tribal Government Official) in Cause CR-14-101-GF-BMM; Count I (Accepting a Bribe by a Tribal Official) in Cause CR-15-03-GF-BMM; and Count II (Theft from an Indian Tribal Organization) in Cause CR-15-04-GF-BMM. The Court sentenced Rosette on December 3, 2015, to 38 months of imprisonment, followed by two years of supervised release. (Doc. 73.) The Court ordered the payment of \$600,000 in restitution in aggregate for the three cases.

The Government filed a Rule 35 motion on February 17, 2017 (Doc. 68.) The Court granted the motion on February 28, 2017, and reduced Rosette's sentence to time served, followed by two years of supervised release. (Doc. 73.)

Rosette was discharged from custody on February 28, 2017, and commenced his term of supervised release on March 1, 2017 (Docs. 61-62.) Rosette has served over 70% of his supervised release.

Federal law authorizes a defendant to move for early termination of his term of supervised release after successfully completing one year if the Court is satisfied that such action remains "warranted by the conduct of the defendant" and serves "the interest of justice." 18 U.S.C. § 3583(e)(1). The Court must consider the factors in 18 U.S.C. § 3553(a) when evaluating whether to terminate a term of supervised release. 18 U.S.C. § 3583(e).

The record reflects that Rosette has complied with his supervised release conditions with the exception of repayment of restitution. USPO has reported that Rosette has demonstrated good conduct and has no violations (Doc. 75 at 3.) Defendant does not pose a threat to the community. The factors in 18 U.S.C. § 3553 support an early termination of supervised release.

According, **IT IS ORDERED**,

1. Defendant's Motion for Early Termination of Supervised Release (Doc. 75)
is **GRANTED**.

DATED this 27th day of September, 2018.



Brian Morris
United States District Court Judge